

PD-0287-19

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**IN THE COURT OF CRIMINAL APPEALS  
FOR THE STATE OF TEXAS**

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FILED  
COURT OF CRIMINAL APPEALS  
8/1/2019  
DEANA WILLIAMSON, CLERK

**STATE OF TEXAS,**

**APPELLANT,**

**v.**

**CESAR RAMIRO ARRELANO,**

**APPELLEE.**

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***FIRST UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE APPELLEE'S BRIEF***

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

COMES NOW, APPELLEE, CESAR RAMIRO ARRELANO, by and through his court appointed counsel, and files this motion to request that the time for filing Appellee's Brief in this cause be extended by ten (10) days to Monday, August 12, 2019, and as reasonable explanation for the extension, would show the following:

I.

Following the granting of the PDR in this matter, the State's Brief in this cause was filed on, or about, July 3, 2019. Appellee's response is due

on, or about, Friday, August 2, 2019.

## II.

The facts recited in this motion are apparent in the record, known to the Court, or are within the undersigned's personal knowledge and are true and correct.

This extension is not sought for purposes of delay. The undersigned, is Appellee's court appointed attorney for the appeal to this Honorable Court of Criminal Appeals following the granting of the State Prosecuting Attorney's PDR in this matter. Appellee's counsel requests that Appellee be granted an additional ten (10) days to file a responsive brief to the State Prosecuting Attorney's brief.

On, or about, June 5, 2019, the State Prosecuting Attorney's PDR was granted by this Honorable Court. On the same day, this Court issued an order regarding Appellee's representation, directing the Victoria County Court at Law Number Two to determine whether Appellee had retained counsel or was entitled to appointed counsel to represent him in the Court of Criminal Appeals for this appeal. On, or about, July 2, 2019, the Trial Court issued an order appointing the undersigned to represent Appellee.

On July 3, 2019, the State Prosecuting Attorney's office filed Appellant's Brief. The undersigned was not served because, at the time of

filing, the findings of the Trial Court in Victoria County and subsequent appointment of the undersigned had not been forwarded to the Clerk of the Court of Criminal Appeals. On, or about, July 12, 2019, the Clerk of the Court of Criminal Appeals issued notice that the supplemental record had been received and filed and notified the parties of the appointment of the undersigned to represent Appellee. On, or about, July 16, 2019, a copy of the State Prosecuting Attorney's brief was received by the undersigned.

The undersigned was not aware of the State Prosecuting Attorney's filing of Appellant's brief until July 16, 2019. The undersigned was out of state on a pre-planned trip between July 20-July 25, 2019. Upon return, the undersigned filed PD-0242-19, *William Rogers v. State of Texas*, which was due on July 26, 2019.

The undersigned has been diligently working to meet the August 2, 2019, filing deadline, however, the undersigned believes that more time will be required to adequately complete Appellee's briefing. Considering the above, Appellee's counsel respectfully requests that the Court of Criminal Appeals allow the additional ten (10) days to complete the briefing in this matter and allow Appellee to respond to the State's briefing.

### III.

There has been no previous request for extension.

IV.

The undersigned has conferred with the special prosecutor, Mr. Tim Poynter, and the State Prosecuting Attorney's office and both are unopposed to this motion.

WHEREFORE, Appellee requests that this Honorable Court of Criminal Appeals extend the time for filing Appellee's Brief, and for such other, and further, relief to which the undersigned is justly entitled.

Respectfully submitted,

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A handwritten signature in blue ink, appearing to read 'Luis A. Martinez', is positioned above a horizontal line.

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Luis A. Martinez  
State Bar No. 24010213  
Attorney for Appellee  
CESAR RAMIRO ARRELLANO

**CERTIFICATE OF SERVICE**

This is to certify that a true, correct and complete copy of the foregoing instrument has been served the attorney(s) in this cause on the 1<sup>st</sup> day of August, 2019.



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Luis A. Martinez

***Via Email: [Timpoynter@att.net](mailto:Timpoynter@att.net)***

The Hon. Tim Poynter  
24<sup>th</sup> Judicial Asst. Dist. Attorney  
307 N. Gonzales  
Cuero, Texas 77954

***Via Email: [information@spa.texas.gov](mailto:information@spa.texas.gov)***

State Prosecuting Attorney  
The Hon. Stacey Soule  
The Hon. John Messinger  
P.O. Box 13046  
Austin, Texas 78711